IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

Crl.Rev.Pet.No. 793 of 1999()

CC.53/1993 of JUDL.MAGISTRATE OF FIRST CLASS COURT-III, PALAKKAD

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REVN. PETITIONER:

P.V.RAVEENDRAN
DEPUTY GENERAL MANAGER
B.P.L. LIMITED
B.P.L.WORKS
PALAKKAD.

BY ADV. SRI.S.RAJEEV
SRI.S.RAJEEV

RESPONDENT: ACCUSED/STATE

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1. A.K.BABU
S/O.KUMARAN
POOLAKAL PARAMBU
EDATHARA.

2. STATE, REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
(CRIME NO.139/1991 OF PALAKKAD TOWN SOUTH POLICE STATION)

BY PUBLIC PROSECUTOR
SRI.M.N.SUKUMARAN NAYAR(SR.)

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 07/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.793 of 1999

Dated this the 7th day of March, 2007

ORDER

Revision petitioner is the defacto complainant in C.C.53/93 in the file of the JFCM-III, Palakkad with respect to the offence under Section 381 and 414 IPC. The court below as per the order dated 19.2.1999 acquitted the accused in the light of the ratio of the decision in Raj Deo Sharma vs. State of Bihar (1998 (2) KLJ 815 SC). It is challenging the above order of the court below that the revision petition has been filed.

2. Subsequently, the larger bench of the supreme court as per the judgment in Ramachandra Rao vs. State of Karnataka (2002(2) KLT 189 SC) reversed ratio of the decision in Raj Deo Sharma's case (op.cit). In the circumstances, the order of the court below acquitting the accused on the basis of the ratio of the above decision cannot be sustained. In the result, the judgment of the JFCM is set aside. The court below is directed to further proceed with the trial. The accused shall appear

before the Judicial First Class Magistrate Court-III, Palakkad on 25.4.2007. The court below shall try the case and dispose of the same on merits at the earliest.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl